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10/829,091

04/20/2004

John C. Eidson

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

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| EXAMINER |
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JACOBS, LASHONDA T

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| ART UNIT | PAPER NUMBER |
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2157

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| MAIL DATE | DELIVERY MODE |
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10/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/829,091

Applicant(s)

EIDSON ET AL.

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is responsive to Applicants application filed on April 20, 2004.

Claims **1-23** are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-23** are rejected under 35 U.S.C. 102(e) as being anticipated by Burch et al (hereinafter, "Burch", U.S. Pub. No. 2004/0203437)

The applied reference has a common assignee and inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per claim **1**, Burch discloses a measurement/control system, comprising:

- configuration data source that provides a set of configuration data that specifies a measurement/control function (paragraphs 0021 and 0022; Burch discloses measuring attributes of the devices such as date, time, light levels, etc.);

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- a set of distributed devices each having means for obtaining the configuration data from the configuration data source and means for diffusing the configuration data among the distributed devices (paragraphs 0020, 0027 and 0036; Burch discloses mobile devices having the capability for making measurements and receiving data information from the transceiver station).

As per claim 2, Burch discloses:

- wherein the configuration data source includes a source kiosk that obtains the configuration data from an application server (paragraph 0035; Burch discloses receiving data from the cellular base transceiver station from an application specific functionality block).

As per claim 3, Burch discloses:

- wherein the configuration data source is co-located with a service provider accessible by one or more of the distributed devices (paragraphs 0026 and 0027).

As per claim 4, Burch discloses:

- wherein the means for diffusing includes means for forming a communication channel with a kiosk (paragraphs 0035).

As per claim 5, Burch discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity to the kiosk (paragraph 0049).

As per claim 6, Burch discloses:

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- wherein the means for diffusing includes means for forming a communication channel with another of the distributed devices (paragraph 0049).

As per claim 7, Burch discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity (paragraph 0049).

As per claim 8, Burch discloses:

- wherein the means for diffusing includes means for determining a relative staleness of a set of configuration data stored in a kiosk and a set of configuration data stored in the distributed devices (paragraph 0051).

As per claim 9, Burch discloses:

- wherein the means for diffusing includes means for determining a relative staleness of a set of configuration data stored in the distributed devices (paragraph 0051)

As per claim 10, Burch a method for configuring a set of distributed devices, comprising the steps of:

- providing to one or more of the distributed devices a set of configuration data that specifies a measurement/control function (paragraphs 0021 and 0022; Burch discloses measuring attributes of the devices such as date, time, light levels, etc.) ;
- diffusing the configuration data among the distributed devices (paragraphs 0020, 0027 and 0036; Burch discloses mobile devices having the capability for making measurements and receiving data information from the transceiver station).

As per claim 11, Burch discloses:

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- wherein the step of providing includes the step of obtaining the configuration data from an application server (paragraph 0035; Burch discloses receiving data from the cellular base transceiver station from an application specific functionality block) .

As per claim **12**, Burch discloses:

- wherein the step of providing includes the step of co-locating the configuration data with a service provider accessible by one or more of the distributed devices (paragraphs 0026 and 0027) .

As per claim **13**, Burch discloses:

- wherein the step of diffusing includes the step of forming a communication channel between a pair of the distributed devices (paragraph 0049) .

As per claim **14**, Burch discloses:

- wherein the step of forming a communication channel includes the step of forming a communication channel in response to a physical proximity of the pair (paragraph 0049).

As per claim **15**, Burch discloses:

- wherein the step of diffusing includes the step of forming a communication channel with a kiosk (paragraph 0049).

As per claim **16**, Burch discloses:

- wherein the step of forming a communication channel includes the step of forming a communication channel with the kiosk in response to a physical proximity of the kiosk (paragraph 0049).

As per claim **17**, Burch discloses:

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- wherein the step of diffusing includes the step of determining a relative staleness of different sets of configuration data (paragraph 0051).

As per claim **18**, Burch discloses a distributed device, comprising:

- means for obtaining a set of configuration data that specifies a measurement/control function from a configuration data source (paragraphs 0021 and 0022; Burch discloses measuring attributes of the devices such as date, time, light levels, etc.);
- means for diffusing the configuration data to a set of other distributed devices (paragraphs 0020, 0027 and 0036; Burch discloses mobile devices having the capability for making measurements and receiving data information from the transceiver station).

As per claim **19**, Burch discloses:

- wherein the means for diffusing includes means for forming a communication channel to the other distributed devices (paragraph 0049).

As per claim **20**, Burch discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity (paragraph 0049).

As per claim **21**, Burch discloses:

- wherein the means for diffusing includes means for forming a communication channel to a kiosk (paragraph 0049).

As per claim **22**, Burch discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity of the kiosk (paragraph 0049).

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As per claim 23, Burch discloses:

- wherein the means for diffusing includes means for means for determining a staleness of the configuration data (paragraph 0051).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 7,209,710 to Burch et al

U.S. Pub. No. 2001/0021654 to Spratt et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004.

The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

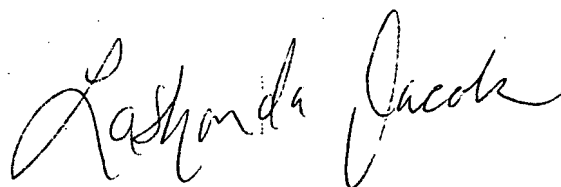
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
September 28, 2007

A handwritten signature in cursive script, reading "LaShonda Jacobs", written in black ink.